

REMARKS

This communication is in response to the first Office Action dated November 5, 2003. In that Office Action, the Examiner rejected Claim 13 for use of the term "similar" as being vague and indefinite under 35 U.S.C. § 112. The Examiner also rejected Claims 1-8 and 13 as being anticipated by U.S. Patent No. 6,028,773 to Hundt. Claims 9-12 were rejected by the Examiner as being obvious in view of the Hundt patent combined with various ancillary references. Finally, the Examiner rejected Claims 1-9 and 13 under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,441,482 to Foster. Applicant respectfully requests reconsideration.

First, with respect to the rejection of Claim 13 under 35 U.S.C. § 112, applicant has amended that claim to remove the term "similar" and has replaced that term with "the same." With this amendment, applicant respectfully submits that the claim is sufficiently definite to traverse the rejection under § 112. Further, enclosed herewith is an executed Terminal Disclaimer with respect to U.S. Patent No. 6,441,482. This executed Terminal Disclaimer traverses the Examiner's double patenting rejection.

Moving to the Examiner's rejection of the claims based upon the prior art, the Examiner's primary reference is the Hundt patent. The Hundt patent relates to "an integrated circuit **package** for direct mounting" of various chips to form a silicone sensor. See Abstract of Hundt patent. The sensor of the Hundt patent is adapted for scanning a fingerprint and acting as a biometric sensor. Hundt patent at Column 3, line 13. Importantly, the Hundt patent provides a "reliable and durable **packaging** of exposed silicone sensor **dies**." Thus, the Hundt patent teaches a method for efficiently packaging at least three distinct integrated circuit dies: the sensor die, the microprocessor die, and memory die onto a printed circuitboard. See Hundt patent, Column 10, lines 17-37.

The Hundt patent is precisely the type of prior art that was recognized in the present invention. In the Background section of the present specification, applicant specifically indicated that the prior art used multiple integrated circuits. For example, at page 1, lines 23-26, the present application states that "present biometrics applications typically consist of several separate integrated circuits." One of the integrated circuits is dedicated to capturing image data, for example, a charge coupled device image sensor or a complimentary metal oxide semiconductor image sensor. This is precisely what is shown in the Hundt patent. For example, at Column 9, lines 50-53, Hundt states that a "microcontroller on the back side of the package includes an encrypted form of all of the authorization codes and fingerprint identification data."

Further, at column 10, lines 17-37, it states that the:

silicon sensor 18 provides a sealed chip-on-board sensor system in one integrated circuit page 10. More particularly, the reverse side 66 of the printed circuitboard 14 includes one or more microchips . . . [and] the top surface 76 can be used for a microprocessor or microcontroller that enables outputting of an image, confirmation or authorization data, and other information to peripheral devices. The microcontroller can include memory for storing fingerprints, security codes, and algorithms for comparisons and verification of fingerprints or other sense data. Memory registers, such as DRAMs or EEPROMs, can be included in the microcontroller to enable programming of additional authorized fingerprints or removal of authorized fingerprints.

Therefore, it is clear that the system shown in the Hundt patent requires at least two integrated circuits. Other integrated circuits are used for the microcontroller and memory. In no way can it be said that both the memory, microcontroller, or image sensor be formed on a single integrated circuit, as is required in the claims as amended. Specifically, each of the independent Claims 1 and 13 have been amended to indicate that the integrated biometric security system is **"formed on a single integrated circuit die."** This limitation is not fairly shown in the Hundt patent.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6488.

Respectfully submitted,

Perkins Coie LLP

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Chun M. Ng
Registration No. 36,878

Correspondence Address:
Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000